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ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601  
[www.kentucky.gov](http://www.kentucky.gov)

LEONARD K. PETERS  
SECRETARY

**FACT SHEET**

**KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM  
PERMIT TO DISCHARGE TREATED WASTEWATER  
INTO WATERS OF THE COMMONWEALTH**

KPDES No.: KY0104281      Permit Writer: Heather Dodds      Date: October 7, 2009  
AI No.: 1913

1. **SYNOPSIS OF APPLICATION**

a. Name and Address of Applicant

Warrior Coal LLC  
771 Corporate Drive Suite 1000  
Lexington, Kentucky 40503

b. Facility Location

Warrior Mine Ventilation Shaft  
1690 Columbia Schoolhouse Road  
Madisonville, Hopkins County, Kentucky

c. Description of Applicant's Operation

Bathhouse for a coal mining operation (SIC code 1241).

d. Design Capacity

0.009 MGD

e. Description of Existing Pollution Abatement Facilities

Outfall 002 - Sanitary wastewater is treated in an aerated sewage lagoon prior to discharge.

f. Permitting Action

This is a reissuance of a minor KPDES permit for a wastewater treatment plant serving an existing "new discharger" coal bathhouse.

2. **RECEIVING WATER**

a. Name/Mile Point

Facility discharges to an unnamed tributary of Pond Creek at latitude N37-22-53 and longitude W87-36-43.

b. Stream Segment Use Classification

Pursuant to 401 KAR 10:026, Section 5, unnamed tributary of Pond Creek carries the following classifications: Warm Water Aquatic Habitat, Primary Contact Recreation, Secondary Contact Recreation, Domestic Water Supply

c. Stream Segment Categorization

Pursuant to 401 KAR 10:030, Section 1 unnamed tributary to Pond Creek is categorized as a "High Quality Waters".

d. Stream Low Flow Condition

The 7-day, 10-year low flow and harmonic mean conditions of unnamed tributary to Pond Creek are 0.0 and 0.2 cfs, respectively.

### 3. REPORTED DISCHARGE AND PROPOSED LIMITS

Serial Number 002 - Sanitary Wastewater (Design Flow = 0.009 MGD)

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Flow (MGD)	0.133	3.328	Report	Report	401 KAR 5:065, Section 2(8)
BOD <sub>5</sub> (mg/l)	6.61	26	30	45	401 KAR 10:031, Section 4 401 KAR 5:045, Sections 3 and 5
TSS (mg/l)	14.29	30	30	45	401 KAR 10:031, Section 4 401 KAR 5:045, Sections 2 and 3
Fecal Coliform (N/100 ml)	29.40	310	Removing from permit		401 KAR 5:080, Section 1(2)(c)2
<i>Escherichia Coli</i> (N/100 ml)	NR	NR	130	240	401 KAR 10:031, Section 7 401 KAR 5:045, Section 4 401 KAR 5:080, Section 1(2)(c)2
Ammonia Nitrogen (as mg/l N)	0.92	1.40	20	30	401 KAR 10:031, Section 4 401 KAR 5:045, Sections 3 and 5
Dissolved Oxygen (mg/l) (minimum)	10.10	20	Not less than 2.0		401 KAR 10:031, Section 4 401 KAR 5:045, Sections 3 and 5
pH (standard units)	6.93	9	6.0 (min)	9.0 (max)	401 KAR 10:031, Section 4 401 KAR 5:045, Section 4
Total Residual Chlorine (mg/l)	0.53	10	0.011	0.019	401 KAR 10:031, Section 4(k)

The data contained under the reported discharge columns is not from the renewal application, but rather from the analysis of the DMR data that has been reported during the term of the previous permit.

The abbreviation BOD<sub>5</sub> means Biochemical Oxygen Demand (5-day).

The abbreviation TSS means Total Suspended Solids.

The abbreviation NR means not reported on the Discharge Monitoring Report (DMR).

The effluent limitations for BOD<sub>5</sub> and TSS are Monthly (30 day) and Weekly (7 day) Averages.

The effluent limitations for *Escherichia Coli* are thirty (30) day and seven (7) day Geometric Means.

4. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 001 Sanitary Wastewater (Design Flow = 0.009 MGD)

b. Effluent Characteristics

Flow, BOD<sub>5</sub>, TSS, Fecal Coliform Bacteria, *Escherichia Coli*, pH, Ammonia Nitrogen, Dissolved Oxygen, and Total Residual Chlorine (TRC).

c. Pertinent Factors

The sanitary wastewater is commingled with drainage from mining activity prior to discharge. Discharge from mining activities associated with DNR Permit Number 854-0421 is permitted under KPDES General Permit Number KYG045707.

d. Monitoring Requirements

Flow monitoring shall be conducted instantaneously once per quarter.

BOD<sub>5</sub>, TSS, and Ammonia Nitrogen shall be monitored once per quarter by 24 hour composite sampling.

*Escherichia Coli*, pH, Dissolved Oxygen and Total Residual Chlorine shall be monitored once per quarter by grab sample.

e. Justification of Conditions

The Kentucky regulations cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

*Escherichia Coli* and Fecal Coliform Bacteria

The limits for *Escherichia Coli* are consistent with the requirements of 401 KAR 10:031, Section 7, 401 KAR 5:045 Section 4 and 401 KAR 5:080, Section 1(2)(c) 2. The removal of Fecal Coliform Bacteria is consistent with the requirements of 401 KAR 5:080k Section 1 (2) (c)2. Although Fecal Coliform Bacteria has been used as an indicator of fecal contamination, it does contain other species that are not necessarily fecal in origin. EPA recommends *Escherichia Coli*, which is specific to fecal material from warm-blooded animals, as the best indicator of health risk from contact with recreational waters. Therefore, it is the "Best Professional Judgment "BPJ" of the Division of Water that *Escherichia Coli* replace Fecal Coliform Bacteria on this permit.

Flow

The monitoring requirements for this parameter are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Ammonia Nitrogen and Dissolved Oxygen

The limits for these parameters are consistent with the requirements of 401 KAR 10:031, Section 4, and 401 KAR 5:045, Sections 3 and 5. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 5 of 5:045 requires biochemically degradable wastewaters to receive treatment in excess of secondary treatment if the Cabinet determines that the receiving water would not satisfy applicable water quality standards as a result of a facility discharge or discharges from multiple facilities.

BOD<sub>5</sub> and Total Suspended Solids

The limits for these parameters are consistent with the requirements of 401 KAR 10:031, Section 4 and 5:045, Sections 2 and 3. Section 4 of 10:031 establishes water quality criteria for the protection of Kentucky's waters. Sections 2 and 3 of 5:045 require biochemically degradable wastewaters to receive secondary treatment.

pH

The limits for these parameters are consistent with the requirements of 401 KAR 10:031, Section 4 and 5:045, Section 4. Section 4 of 10:031 establishes water quality criteria for the protection of Kentucky's waters. Section 4 of 5:045 establishes the acceptable levels of these parameters for biochemically degradable wastewaters.

Total Residual Chlorine

The limits for these parameters are consistent with the requirements of 401 KAR 10:031, Section 4.

5. **ANTIDEGRADATION**

The conditions of 401 KAR 10:029, Section 1 have been satisfied by this permit action. Since this permit action involves reissuance of an existing permit, and does not propose an expanded discharge, a review under 401 KAR 10:030 Section 1 is not applicable.

6. **PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS**

The permittee will comply with all effluent limitations by the effective date of the permit.

7. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

**Disposal of Non-Domestic Wastes**

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures. This requirement is consistent with the requirements of 401 KAR 5:065, Section 1(5) and 401 KAR 5:080, Section 1(c)(2)c.

**Certified Operators**

Pursuant to 401 KAR 5:010, Section 1 wastewater systems shall be operated under the supervision of a certified operator who holds a Kentucky Certificate equivalent to the class of system being supervised.

Pursuant to 401 KAR 5:010, Section 3 the certified operator shall be reasonably available if not physically present while the system is operating.

**Outfall Signage**

It is the Best Professional Judgment of the Division of Water, 401 KAR 5:080, Section 1(2)(c)2, that all permittees post a marker at all discharge locations and/or monitoring points. The marker shall be of sufficient size to display the Permittee Name, KPDES permit and outfall numbers in 2 inch letters and shall be prominently displayed. For internal monitoring points the marker shall be of sufficient size to include the outfall number in 2 inch letters and is to be posted as near as possible to the actual sampling location.

8. **PERMIT DURATION**

Five (5) years. This facility is in the Tradewater / Green River Basin Management Unit as per the Kentucky Watershed Management Framework.

9. **PERMIT INFORMATION**

The application, draft permit, fact sheet, public notice, comments received, and additional information is available from the Division of Water at 200 Fair Oaks Lane, Frankfort, Kentucky 40601.

10. **REFERENCES AND CITED DOCUMENTS**

All material and documents referenced or cited in this fact sheet are a part of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

11. **CONTACT**

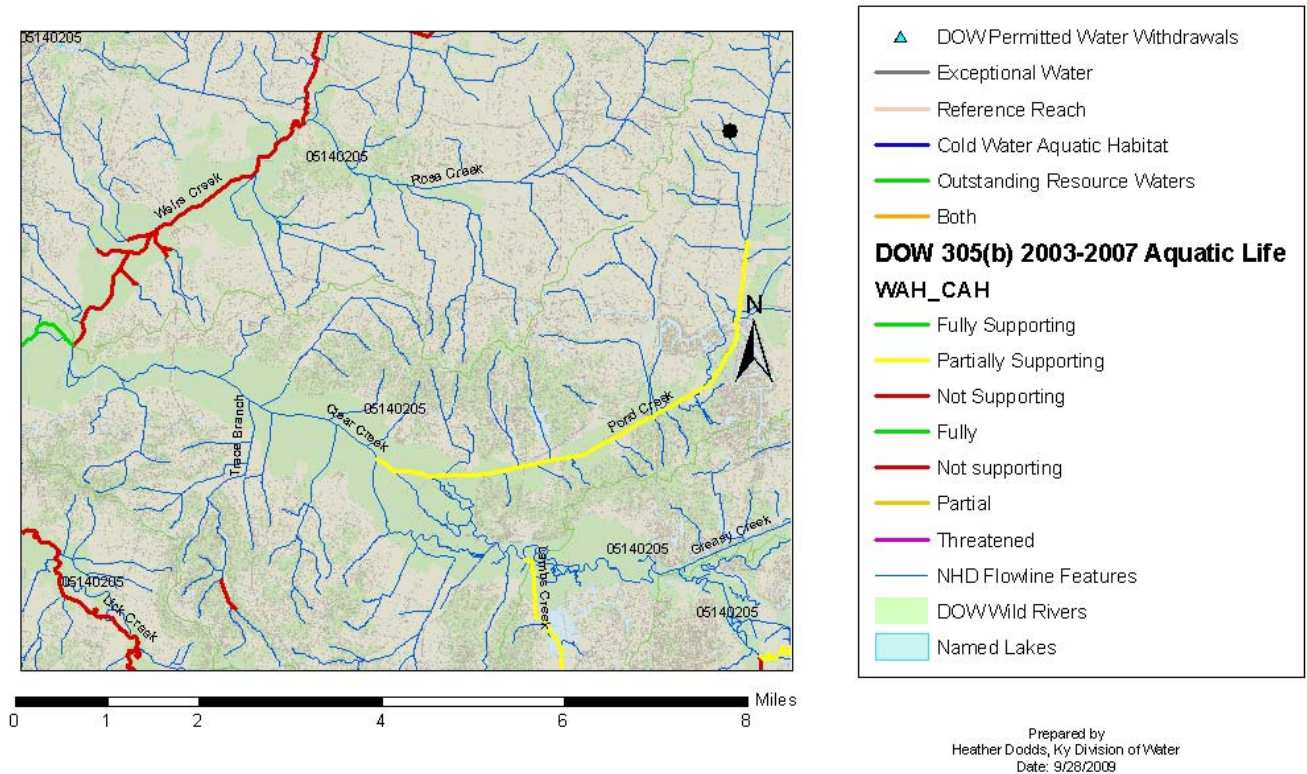
For further information on the draft permit or comment process, contact the individual identified on the Public Notice or the Permit Writer - Heather Dodds at (502) 564-8158, extension 4892, or email [heather.dodds@ky.gov](mailto:heather.dodds@ky.gov).

12. **PUBLIC NOTICE INFORMATION**

Please refer to the attached Public Notice for details regarding the procedures for a final decision, deadline for comments and other information required by 401 KAR 5:075, Section 4(2)(e).

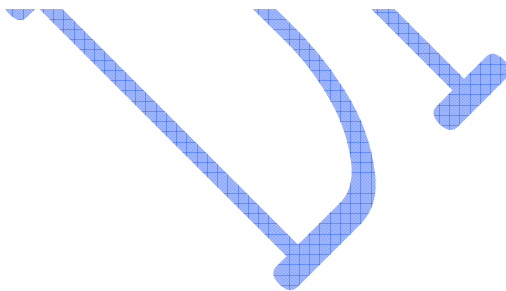


## Warrior Coal LLC KY0104281



This data is distributed by the Commonwealth of Kentucky,  
Division of Geographic Information (DGI), located in Frankfort KY

The data are available at <http://kygeonet.ky.gov>



# KPDES



## KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

# PERMIT

PERMIT NO.: KY0104281  
AI NO.: 1913

### AUTHORIZATION TO DISCHARGE UNDER THE KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to Authority in KRS 224,

Warrior Coal LLC  
771 Corporate Drive Suite 1000  
Lexington, Kentucky 40503

is authorized to discharge from a facility located at

Warrior Mine Ventilation Shaft  
1690 Columbia Schoolhouse Road  
Madisonville, Hopkins County, Kentucky

to receiving waters named

Unnamed tributary of Pond Creek at latitude N37-22-53 and longitude W87-36-43

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, and IV hereof. The permit consists of this cover sheet, and Part I 2 pages, Part II 1 pages, and Part III 1 page.

This permit shall become effective on.

This permit and the authorization to discharge shall expire at midnight,

                      
Date Signed

Sandra L. Gruzesky, Director  
Division of Water



## PART I A - EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: 001 - Sanitary Wastewater (Design Flow = 0.009 MGD)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	(lbs/day) Monthly Avg.	Daily Max.	Other Units (Specify) Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow (MGD)	Report	Report	N/A	N/A	1/Quarter	Instantaneous
BOD <sub>5</sub> (mg/l)	2.25	3.38	30	45	1/Quarter	24 Hr Composite
TSS (mg/l)	2.25	3.38	30	45	1/Quarter	24 Hr Composite
Ammonia Nitrogen (as mg/l N)	1.50	2.25	20	30	1/Quarter	24 Hr Composite
<i>Escherichia Coli</i> (N/100 ml)	N/A	N/A	130	240	1/Quarter	Grab
Dissolved Oxygen (mg/l) (minimum)	N/A	N/A	Not less than	2.0	1/Quarter	Grab
pH (standard units)	N/A	N/A	6.0 (min)	9.0 (max)	1/Quarter	Grab
Total Residual Chlorine (mg/l)	N/A	N/A	0.011	0.019	1/Quarter	Grab

The abbreviation BOD<sub>5</sub> means Biochemical Oxygen Demand (5-day).

The abbreviation TSS means Total Suspended Solids.

The abbreviation N/A means Not Applicable.

The effluent limitations for BOD<sub>5</sub> and TSS are Monthly (30 day) and Weekly (7 day) Averages.

The effluent limitations for *Escherichia Coli* are thirty (30) day and seven (7) day Geometric Means.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location:  
nearest accessible point prior to discharge to or mixing with the receiving waters or wastestreams from other outfalls.

**PART I B - SCHEDULE OF COMPLIANCE**

The permittee shall achieve compliance with all requirements on the effective date of this permit.

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**PART II - STANDARD CONDITIONS FOR KPDES PERMIT**

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this permit.

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## **PART III - OTHER REQUIREMENTS**

### **A. Reporting of Monitoring Results**

Monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Division of Water  
Madisonville Regional Office  
625 Hospital Drive  
Madisonville, Kentucky 42431-1683  
ATTN: Supervisor

Division of Water  
Surface Water Permits Branch  
Permit Support Section  
200 Fair Oaks Lane  
Frankfort, Kentucky 40601

### **B. Reopener Clause**

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:086, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

### **C. Disposal of Non-Domestic Wastes**

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

### **D. Certified Operators**

This wastewater system shall be operated under the supervision of a Class I Kentucky Certified Operator who shall be reasonably available at all times. All other operators employed by the system shall hold a Kentucky Certificate or shall be in the process of obtaining a Kentucky Certificate. The certificates of each operator shall be prominently displayed on the wall of the system office.

### **E. Outfall Signage**

The permittee shall post a permanent marker at all discharge locations and/or monitoring points. The marker shall be at least 2 feet by 2 feet in size and a minimum of 3 feet above ground level with the Permittee Name and KPDES permit and outfall numbers in 2 inch letters. For internal monitoring points the marker shall be of sufficient size to include the outfall number in 2 inch letters and shall be posted as near as possible to the actual sampling location.